

# REVIEW OF THE STATE OF THE ENGLISH NATION.

---

Thursday, February 14. 1706.

---

**I**N Examining the Indirect steps we take in *England*, with Debtors and Bankrupts, a long Exclamation at the very Laws themselves seems necessary, but much more at the manner of their Execution by which Creditors; seem rather inclin'd to Punish themselves, and the Debtors too, than recover their Debts.

I am now to make it out, that Commissions of Bankrupts, as in our Time practis'd, Ruine the Debtors, but do not Answer the end of the Creditor; that they run Men upon Extremes, and have occasion'd many Thousand of Debtors in former times to Spend their Estates in all manner of Unhappy Excesses, such as are the Common Effects of Desperation, and which in those Days were the Common Practice of the Mint and Friars, and are now too much reviv'd.

And, as I can offer nothing more to the purpose, now, than what I Publish'd on that Occasion when I Complain'd so justly at the Exorbitance and Excesses, of those Sanctuaries of Thieves; the Reader is desir'd to accept of the Repetition, as it was then Printed as follows, speaking of the Laws against Bankrupts.

If I may be allow'd so much Liberty with our Laws, which are generally good, and above all things are temper'd with Mercy, Lenity, and Freedom, this has something in it of Barbarity; it gives a loose to the Malice and Revenge of the Creditor, as well as a Power to right himself, while it leaves the Debtor no way to show himself Honest: It contrives all the ways possible, to drive the Debtor to Despair, and encourages no New Industry; for it makes

' makes him perfectly incapable of any thing but *starving*.

' This Law, especially as it is now frequently executed, tends wholly to the Destruction of the Debtor, and yet very little to the Advantage of the Creditor.

(1.) ' The Severities to the Debtor are unreasonable, and, if I may so say, a little inhuman; for it not only strips him of all in a Moment, but renders him for ever incapable of helping himself, or relieving his Family by future Industry. If he 'scapes from Prison, which is hardly done too, if he has nothing left, he must starve, or live upon *Charity*; if he goes to Work, no Man dare pay him his Wages, but he shall pay it again to the Creditors; if he has any private Stock left for a Subsistence, he can put it no where; every Man is bound to be a Thief, and take it from him: If he trusts it in the hands of a Friend, he must receive it again as a great Courtezie, for that Friend is liable to account for it. I have known a poor Man Prosecuted by a Statute to that decree, that all he had left was a little Money, which he knew not where to hide; at last, that he might not starve, he gives it to his Brother, who had entertain'd him; the Brother, after he had his Money, quarrels with him to get him out of his House; and when he desires him to let him have the Money lent him, gives him this for Answer; *I cannot pay you safely, for there is a Statute against you*; which run the poor Man to such Extremities, that he destroy'd himself. Nothing is more frequent, than for Men who are reduc'd by Misfortune in Trade, to Compound and Set up again, and get good Estates; but a Statute as we call it, forever shuts up all doors to the Debtor's Recovery; as if Breaking were a Crime so Capital, that he ought to be cast out of Human Society, and expos'd to Extremities worse than Death. And, which will further expose the fruitless Severity of this Law, 'tis easie to make it appear, that all this Cruelty to the Debtor is so far

' (generally speaking) from advantaging the Creditors, that it destroys the Estate, consumes it in extravagant Charges, and unless the Debtor be consenting, seldom makes any considerable Dividends. And I am bold to say, there is no Advantage made by the Prosecuting of a Statute with Severity, but what might be doubly made by Methods more merciful. And though I am not to prescribe to the Legislators of the Nation, yet by way of *Essay*, I take leave to give my Opinion and my Experience in the Methods, Consequences, and Remedies of this Law.

' All People know, who remember any thing of the Times when that Law was made, that the Evil it was pointed at, was grown very rank, and Breaking to defraud Creditors so much a Trade, that the Parliament had good reason to let up a *Jury* to deal with it; and I am far from reflecting on the Makers of that Law, who, no question, saw 'twas necessary at that time: But as Laws, tho' in themselves good, are more or less so, as they are more or less seasonable, squar'd, and adapted to the Circumstances and Time of the Evil they are made against; so 'twere worth while (with Submission) for the same Authority to examine:

(2.) Whether the Length of Time since that Act was made, has not given opportunity to Debtors.

1. ' To evade the Force of the Act by Ways and Shifts to avoid the Power of it, and secure their Estates out of the reach of it?

2. ' To turn the Point of it against those whom it was made to relieve? Since we see frequently now, that Bankrupts desire Statutes, and procure them to be taken out against themselves.

(2.) ' Whether the Extremities of this Law are not often carried on beyond the true Intent and Meaning of the Act it self, by Persons, who besides being Creditors, are also Malicious, and gratifie their private Revenge, by Prosecuting the Offender, to the Ruine of his Family.

' If these two points are to be prov'd, then I am sure 'twill follow, That this Act is now a Publick Grievance to the Nation ; and I doubt not, but will be one time or other repeal'd by the Wise Authority which made it.

(1.) Time and Experience has furnish'd the Debtors with Ways and Means to evade the Force of this Statute, and to secure their Estate against the reach of it ; which renders it often insignificant,

and consequently, the Knave, against whom the Law was particularly bent, gets off ; while he only who fails of sheer Necessity, and whose honest Principle will not permit him to practice those Methods, is expos'd to the Fury of this Act : and as things are now order'd, nothing is more easy, than for a man to order his Estate so, that a Statute shall have no power over it, or at least but a little.

## MISCELLANEA.

OUR last, lest me to give my Opinion of the Foes.

As to his *Polish* Majesty, some Conclusions will be made from his Affairs, perhaps not unuseful to be observ'd in time.

1. I believe he will not be so soon Beaten out of *Poland*, as perhaps the King of Sweden expects ; he being a Warlike, Potent, and Politick General, as well as a Prince of a Great Spirit, Undaunted Courage, and Indefatigable Diligence in his Affairs.

2. He is a Prince, entirely in the Interest of the Present Confederacy ; and were it not for the Present Unreasonable Obstinatey of his Enemy the *Swede*, would soon turn the Scale of *Germany*, in favour of the Emperor ; whether in *Hungaria*, *Bavaria*, *Italy*, or the upper *Rhine*.

3. I believe he has so many ways oblig'd the Emperor, and the Confederacy particularly, both now, and once before, sending considerable Bodies of his Troops, to join the Imperial Army, when he is at the same time, so exceedingly press'd by his Enemy at Home, that I think, when ever the Affairs of Europe will permit it, he ought to be effectually assisted to the Recovery of his Dominions, and the Reducing his Rival to Reason.

4. I believe his *Polish* Majesty has bought the Crown of *Poland* too Dear ; that had His Majesty never taken that Troublesome

Honour upon him, but join'd his Powerful Troops to the Assistance of the Emperor, he had acquir'd more Glory, Wealth and Safety, and might, as he was the Richest, and most Powerful of the Electors, the King of *Prussia* excepted, with equal Reason, and perhaps Superior Merit, have obtain'd both the Title of King, and suitable Additions of Dominion, to have made his Power equal to his Neighbours.

5. If in the Present Controversie, he gets the better of the *Swede*, and Establishes himself in the *Polish* Throne ; I question, whether all *Poland* can ever make him amends for the Loss of Blood and Treasure, and for the Ruine and Damage, suffer'd by his Hereditary Dominions.

6. The Wealth and Power of the Electorate of *Saxony*, by far the Richest and most Flourishing in Trade of the whole Empire, has been wonderfully visible, in the vast Expences they have been at, and the sundry Armies raised, for the Establishing their Prince in his New Acquisition ; nor is the Love of his Subjects less Worthy our Notice, tho' under two Capital Discouragements, viz. The Change of his Religion, and the Removing his Court from them to a Remote Country.

My Thoughts of the *Czar* of *Muscovy*, are :